



MAY 19 2010

United States  
Department of  
Agriculture

Animal and  
Plant Health  
Inspection  
Service

Marketing &  
Regulatory  
Programs Business  
Services

4700 River Road  
Riverdale, MD  
20737

Philip Brooks  
258 Private Cove  
Waynesville, NC 28785

CERTIFIED MAIL  
RETURN RECEIPT

Dear Mr. Brooks:

The Animal and Plant Health Inspection Service (APHIS) enforces the Horse Protection Act (HPA) (15 U.S.C. § 1821 et seq.) and its implementing regulations. The HPA prohibits horses that are "sore" from participating in auctions, exhibitions, sales, or shows. The HPA also prohibits the transportation of horses that are "sore" to or from these events. Violations of the HPA jeopardize APHIS efforts to eliminate soring in horses.

APHIS is issuing the enclosed APHIS Form 7060, "Official Warning, Violation of Federal Regulations" to notify you of the [alleged] HPA violations documented in case number NC08053-AC.

The HPA authorizes the imposition of civil penalties up to \$2,200. This is to notify you that APHIS is hereby holding in abeyance the penalties that it may impose in connection with the above-described violations, provided that you comply with applicable APHIS laws and regulations in the future. If you again violate APHIS laws and regulations, APHIS may, if warranted, seek criminal penalties or the assessment of the civil penalties held in abeyance in addition to any penalties that may be warranted for any future violations.

If you have any questions concerning this letter, you may contact our office at (301) 734-8684.

Sincerely,

For Bernadette Juarez  
Deputy Director  
Investigative and Enforcement Services

Enclosure



Safeguarding American Agriculture  
APHIS is an agency of USDA's Marketing and Regulatory Program  
An Equal Opportunity Provider and Employer

UNITED STATES DEPARTMENT OF AGRICULTURE  
ANIMAL AND PLANT HEALTH INSPECTION SERVICE

OFFICIAL WARNING

VIOLATION OF FEDERAL REGULATIONS



CASE NO.

**NC08053-AC**

VIOLATOR

**Philip A. Brooks**

ADDRESS (Street, City, State, Zip Code)

**258 Private Cove  
Waynesville, NC 28785**

The Department of Agriculture has evidence that on or about July 10, 2008, you or your organization committed the following violation of Federal law:

Entered for the purpose of showing or exhibiting, the horse "Sky's Showtime," at the 2008 North Carolina Land-O-The-Sky Summer Festival Horse Show in Arden, NC, which was found sore.

The Horse Protection Act prohibits the following conduct:

15 U.S.C. § 1824(2) – Unlawful acts

"The (A) showing or exhibiting, in any horse show or horse exhibition, of any horse which is sore, (B) entering for the purpose of showing or exhibiting in any horse show or horse exhibition, any horse which is sore, (C) selling, auctioning, or offering for sale, in any horse sale or auction, any horse which is sore, and (D) allowing any activity described in clause (A), (B), or (C) respecting a horse which is sore by the owner of such horse."

9 CFR § 11.3 Scar rule.

"The scar rule applies to all horses born on or after October 1, 1975. Horses subject to this rule that do not meet the...scar rule criteria shall be considered to be "sore" and are subject to all prohibitions of...the Act."

Titles 7 & 9 Code of Federal Regulations were promulgated to help prevent the spread of animal and plant pests and diseases and assure the humane treatment of animals. Since the violations of the regulations can have serious and costly impact detrimental to the public interest, you are warned of this violation. Any further violation of these regulations may result in the assessment of a civil penalty or criminal prosecution. If you have any questions concerning this warning or violation, please contact the listed APHIS official.

APHIS OFFICIAL (Name, Title)

Bernadette Juarez  
Deputy Director  
Investigative and Enforcement Services

OFFICE ADDRESS:

4700 River Road, Unit 85  
Riverdale, MD 20737

SIGNATURE

*Bernadette Juarez* For B. Juarez

DATE ISSUED

*May 18, 2010*

TELEPHONE NO.

(301) 734-8684

FOR PERSONAL SERVICE - RECEIVED BY: (Name and signature)

DATE RECEIVED:

FOR CERTIFIED MAIL - RECEIPT NO: